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EDMUND BURKE: AN INTRODUCTION

by

STANLEY D. ROSE*

A NOTE-BOOK OF EDMUND BURKE. Edited by H. V. F. Somerset. With a Foreword by Sir Ernest Barker. London: Cambridge University Press, 1957. Pp. xii, 120. \$3.50.

BURKE AND THE NATURE OF POLITICS. Carl B. Cone. Lexington: University of Kentucky Press, 1957. Pp. xv, 415. \$9.00.

EDMUND BURKE AND THE NATURAL LAW. Peter J. Stanlis. With a Foreword by Russell Kirk. Ann Arbor: University of Michigan Press, 1958. Pp. xiii, 311. \$5.75.

THE MORAL BASIS OF BURKE'S POLITICAL THOUGHT. Charles Parkin. London: Cambridge University Press, 1957. Pp. viii, 145. \$2.50.

It is over 160 years since Edmund Burke died in 1797. And yet it is only now becoming possible to secure a rounded picture of the man. This new opportunity has come because Burke's papers have just been made accessible to scholars. After Burke's death his papers—a great mass of letters, documents, and assorted writings—passed into the hands of his executors and their successors. The last survivor of these was the fourth Earl Fitzwilliam. The Fitzwilliam family kept the papers and withheld them from the public view until 1949. In that year the head of the Fitzwilliam family turned the papers over to the Public Library in the city of Sheffield in central England. Additional small holdings of Burke material have shown up and the stage is now set for a definitive work on Burke. A new collection of his correspondence is being prepared by Professor Thomas Copeland of Yale.¹ New studies of special aspects of his career are coming out. The four books here being considered are the latest entrants into this field of scholarship.

Edmund Burke was a leading figure in English political life for thirty years. He played an important part in issues of immense significance in the history of western Europe. His writings are an indispensable source for a full understanding of those issues. Today he is being held up as a

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¹ The first volume of ten will be published this year by the University of Chicago Press.

paragon of certain virtues and a source of inspiration for those who feel the need for a modern philosophy of conservatism. Accordingly, a review of his life and works will be here presented with the general intention of pointing to the philosophical and moral issues that present themselves to anyone who embarks on a study of Burke. Only incidentally will reference be made to the usefulness of Burke's work for present-day purposes.

Burke was born in Dublin in 1729. He was Irish, but although his mother was a Catholic, his father was Protestant and Burke himself was brought up as an Anglican. It is pertinent to note here that Burke's wife was a Presbyterian whose father was a Catholic.² These elements of Catholicism in his family were used in the political warfare of the day to accuse Burke of being a Catholic and of having been brought up as a Jesuit. He uniformly ignored such charges.

In 1744 Burke entered Trinity College in Dublin. He proved to be an excellent student with a true intellectual zeal. In the spring of 1750 Burke came to London with the intention of studying law. Just five years later his first important literary effort was published, *A Vindication of Natural Society*. The moderate success of this work prompted him to abandon his law studies. A year later appeared his philosophical study of the sublime and the beautiful. This too was a success. In April of 1759 David Hume in London wrote to Adam Smith that he had given a copy of Smith's *Theory of Moral Sentiments*, to "Burke, an Irish gentleman, who wrote lately a very pretty treatise on the sublime."³

His next five years were those of a literary hack and hanger-on. Although a charter member of Johnson's literary club which met every Monday evening at the Turk's Head,⁴ his worldly progress was not obvious. Suddenly in July of 1765 Burke became the private secretary of the Marquis of Rockingham,⁵ who was heading the Whig administration at the time. As a member for a pocket borough "owned" by Lord Verney, Burke entered Parliament just before Christmas in 1765. The Rockingham Whigs were dismissed from power in mid-1766 and did not return again until 1782. A substantial part of Burke's reputation as

² Stanlis asserts that she was a Catholic. EDMUND BURKE AND THE NATURAL LAW 201. Cone reports the matter to be in dispute with the probability that she was a Protestant. BURKE AND THE NATURE OF POLITICS, 27.

³ PRIOR, EDMUND BURKE, (5th Ed.) 60.

⁴ CONE, *in op. cit.*, 53.

⁵ "Rockingham possessed rank, wealth, and character, without knowledge, intelligence or experience." HEARNshaw, *Edmund Burke* IN SOCIAL AND POLITICAL IDEAS OF SOME REPRESENTATIVE THINKERS OF THE REVOLUTIONARY ERA, (ed. by F. J. C. Hearnshaw) 80 (1931). Professor Cone, as usual, is far more charitable. *In op. cit.*, 61 *et seq.*

a statesman rests upon the work he did while in opposition during these sixteen years.

Cone's first volume closes with the resignation of North and his cabinet on March 20, 1782. Rockingham was his successor. It was a great day for the Burkes. Edmund became Paymaster of the Forces at £4000 per annum. And all the other males of the Burke household were provided for.⁶ Three months later Rockingham died and the party went out of office. A coalition government was formed and Burke returned. But this administration lasted only eight months. Thus passed Burke's only official position. Until the end of his life, these were the only times when he was on the public payroll. In 1794 Pitt procured for Burke two Crown annuities worth £2500 which he was able to enjoy for three years until his death in 1797.

The purpose of this paper is not to recite the varied events of Burke's life. Professor Cone is devoting two volumes to the details of Burke's political life. For the time being the most useful work to be done with respect to Burke will be a striving to understand the intellectual currents which swirled around him and how he reacted to them. His political activities will be introduced only where pertinent but our interest will be directed at his great moments when with a significant issue in hand he set forth his argument. Strangely enough, his two most important works were written as pamphlets and were not delivered as speeches. Nevertheless his speaking style in all its ornateness is evident in these works.

A word of digression on Burke's style seems merited. John Morley's opinion seems to reflect the modern attitude:

"Those who have acquired a love for abstract politics amid the almost mathematical closeness and precision of Hobbes, the philosophic calm of Locke or Mill, or even the majestic and solemn fervour of Milton, are revolted by the unrestrained passion and the decorated style of Burke. His passion appears hopelessly fatal to success in the pursuit of Truth, who does not usually reveal herself to followers thus inflamed. His ornate style appears fatal to the cautious and precise method of statement, suitable to matter not known at all unless known distinctly."⁷

One of the best examples of what Morley is talking about in Burke's writings is the following description of Burke's reactions to the insults directed at the French queen:

"I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone. That of sophisters, economists, and calculators, has succeeded; and the glory of Europe is extinguished forever. Never, never more shall we behold that generous loyalty to rank and sex, that proud submission, that dignified

⁶ See COPELAND, EDMUND BURKE, SIX ESSAYS, 65.

⁷ MORLEY, BURKE 3-4, (1923).

obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defence of nations, the nurse of manly sentiment and heroic enterprise, is gone! It is gone, that sensibility of principle, that chastity of honour, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil, by losing all its grossness."⁸

Before this onslaught, Tom Paine was moved to remark:

"When we see a man dramatically lamenting in a publication intended to be believed, that, '*The Age of chivalry is gone!*', . . . that '*The unbought grace of life* (if any one knows what it is) . . . *is gone!*' and all this because the Quixotic age of chivalric nonsense is gone, what opinion can we form of his judgment, or what regard can we pay to his facts?"⁹

Our modern reaction to Burke's torrent would be that it was only an emotional outburst. But the recent revival of interest in Burke has produced at least Russell Kirk who has striven mightily to give a meaning to phrases of Burke such as the one just quoted. For example, he declares that

"Burke employs this idea of the unbought grace of life to describe the great civilizing and ordering influence of a liberal mind, in the old and true sense of the word 'liberal'—that is, the disciplined reason and imagination of free men, which were the product of the education of a gentleman."¹⁰

It is not shameful that Burke's exact meaning is not always clear. It is a fact. The passion he is expressing is usually obvious. Nothing is to be gained by straining to make something out of what is not there. But a full evaluation of Burke should consider that this great master of English at times went on for a considerable stretch without really saying anything.

Another charge which a biographer should face up to is that it can be demonstrated that Burke's factual basis for his arguments frequently was erroneous when it was not deliberately imaginary. Let us examine this problem at once. Turning away from this digression on Burke's style, it may be noted that near the beginning of Burke's political career he chose to set forth his theory of party government. He did so in a pamphlet which is usually described as a masterpiece. As will be seen, the basis for the praise is open to question.

The *Thoughts on the Cause of the Present Discontents* was, according to Cone, "the first major attempt to explain the nature and the utility,

⁸ *Reflections on the Revolution in France*, WORKS OF EDMUND BURKE (Bohn. Ed.) II, 348.

⁹ THE LIFE AND WORKS OF THOMAS PAINE, (ed. by Wm. M. Van der Weyde, (1925) VI, 35.

¹⁰ KIRK, A PROGRAM FOR CONSERVATIVES, 52.

even the necessity of political parties." Of this work, Cone states: "certain portions of the pamphlet, dedicated to an analysis of political conditions in 1770, have meaning only for historical specialists. But other sections of it will remain relevant as long as political freedom exists."¹¹

That first sentence is never explained by the author and deserves some consideration. An entire school of British historians have denounced as fantastic Burke's description of the structure of English politics during the early years of the reign of George III. This controversy goes to the heart of Professor Cone's book. Professor Cone has deliberately put off discussion of Burke's political philosophy until a future volume discusses Burke's writings on the French Revolution. This first volume therefore discusses Burke "as a party politician."¹² But when one merely uses a word like "party" with reference to the long reign George III, the controversy is ignited anew. The issues should not be ignored. I think Professor Cone has explained the matters at issue in a moderate manner—but without any indication that there are other solutions which are markedly different from those advanced by him and by Burke. An attempt will be made to give at least a suggestion of what is at issue.

In 1765 when Burke entered the House of Commons, Professor Cone believes that there was a system of political parties in existence in England. It was a loose two-party arrangement. The King still retained the power of choice over his ministers. The support for these ministers came from the Tories or the King's Friends. Cone does not use the former term very often. The latter name is the one popularized by Burke. The Whigs in opposition were divided into segments each of which gave personal allegiance to leading members of the landed aristocracy, such as, the Earl of Chatham or the Marquis of Rockingham.¹³ But, according to Professor Cone, only the Rockingham Whigs ever developed into a political party. This came about through the efforts of Burke who gave to this group a set of coherent beliefs and by his efforts and personal prodding held them together during all the years they were in opposition. Through all these years in the wilderness, Burke kept trying to develop a consistent program for the Rockinghams. His biggest task appears to have been to persuade his leader to come to London and attend sessions of Parliament. It was out of this experience that Burke wrote his *Thoughts on the Cause of the Present Discontents*.

¹¹ CONE, *in op. cit.*, 195.

¹² *Id.* at vi.

¹³ "The Rockingham party in 1765 cannot possibly have exceeded a hundred" PARES, KING GEORGE III AND THE POLITICIANS, 206 (1953).

Having given a general view of Cone's position, the next step will be a more extended statement of Burke's views on the nature of politics in England in 1770. One question raised by this study should certainly be to inquire why Cone believes that such material has meaning only for historical specialists. I suggest this study to be of the utmost importance to biographers of Burke.

In the Bohn edition of Burke's works, the *Thoughts* fill 75 pages.¹⁴ The purpose of the pamphlet was to ask and answer the question: What is the cause of the present discontent with the Government? It is customary to complain about the times, but the complaining at the present time (1770) is more pointed than usual. There is no merit in any complaint that the people are at fault. "The people have no interest in disorder." The people today feel a discontent but they have not as yet put their finger on it. The reason is that the trouble has arisen from an unexpected source. "The power of the Crown, almost dead and rotten as Prerogative, has grown up anew, . . . under the name of Influence."¹⁵ In order that the Crown's power may be absolute it has even attempted to humble and discredit its own ministry. The court had the long range policy of destroying the great Whig connections which were possessed of an enduring natural influence. The device adopted to undermine the ministry was the creation of "a cabal of the closet and back-stairs" which would take the place of the national administration. The members of this group were united only in their devotion to the King. They were the King's men.¹⁶

This state of affairs is contrary to past practice. Since the Revolution of 1689, "the influence of the crown had been always employed in supporting the ministers of state, and in carrying on the public business according to their opinions."¹⁷ These opinions, Burke claims, "should all be exercised upon public principles and national grounds, and not on the likings or prejudices, the intrigues or policies, of a court."¹⁸ For this reason a system of favoritism is unnatural. The device of "the double cabinet" is designed to undermine the principles and the practice of the administration. The very basis of the British government requires that the views and opinions of the administration correspond to those of the legislature. This conclusion obviously requires Burke to believe in the existence in Burke's time of a fully developed theory of cabinet responsibility.

¹⁴ BURKE'S WORKS, I, 306-81.

¹⁵ WORKS, I, 313.

¹⁶ *Id.* at 320.

¹⁷ *Id.* at 324.

¹⁸ *Id.* at 331.

The historical claim is then put forward by Burke that: "It had always, until of late, been held the first duty of parliament *to refuse to support government, until power was in the hands of persons who were acceptable to the people, or while factions predominated in the court in which the nation had no confidence.*"¹⁹ To Burke, it therefore followed that if the control by the Commons over the persons who became members of the administration were to be lost, all was lost. This responsibility of the administration to Parliament insured that a class of men would be ministers who had some connection with and support of the people. At any rate, their sole claim to fame would not be the King's favor.

This new system of aggrandizing the crown has not been in anyone's interest. The method adopted has discredited us abroad, the people at home are uneasy, the King himself is certainly experiencing no tranquillity. But probably most important of all, the House of Commons appears to be forfeiting its prerogatives. "The virtue, spirit, and essence of a House of Commons consists in its being the express image of the feelings of the nation."²⁰ The best example that this virtue and spirit was being lost may be found in the voiding of the election of John Wilkes elected to Parliament from Middlesex County. If the Commons dares do this, it does not appear to be amenable to the wishes of the people. A Commons thus unconnected with the people has been the objective of the King's men. They needed one additional item and they have now gotten that—a Civil List which is not confined to the annual appropriations. Servile Parliaments have gotten into the habit of making up deficiencies in the King's expenditures without demanding explanations nor seeking promises of reform.

To correct these conditions, mere structural changes in the manner or times of holding parliamentary sessions will not avail. The answer lies with the members of the Commons themselves. "When bad men combine, the good must associate . . ." ²¹ The good must unite to defeat the cabal. They cannot run away from their duty to restore honor to political life. The answer to the nation's ills is the rebirth of a true party spirit. "Party is a body of men united, for promoting by their joint endeavors the national interest, upon some particular principle in which they are all agreed. . . . It is the business of the speculative philosopher to mark the proper ends of government. It is the business of the

¹⁹ *Id.* at 333. (Burke's italics)

²⁰ *Id.* at 348.

²¹ *Id.* at 372.

politician, who is the philosopher in action, to find out proper means towards those ends, and to employ them with effect."²²

According to Burke, the only effective political action is through parties. A party standing solid could refuse to deal with any administration having King's men in its ranks. And if itself was in office, it could reject membership of placemen. Everything turns on the men you are dealing with. Honorable men may differ but remain united. A careful selection of one's company in the beginning of one's political life is the important thing. The choice having been made, loyalty and moderation will carry one forward united with those of like mind. And, Burke concludes, now is the time for such unity.

I think it possible to accept Burke's *principles* in this pamphlet as a general expression of the underlying *theory* of political party in the Great Britain of the late nineteenth century. However, there is a school of modern British historians whose specialty is eighteenth century British politics who vigorously insist that Burke's theory of party had no application to the ministries of George III and, further, that his factual basis was almost totally imaginative.

Sir Lewis Namier calls the concept of a double cabinet "a product of Burke's fertile, disordered and malignant imagination."²³ Namier has further represented the party picture in one sentence. "In 1761 not one parliamentary election was determined by party, and in 1951 not one constituency returned a non-party member."²⁴

The problem of parties is bound up with the sovereign. There is in Cone's work no close discussion of George III. It was the King's personal government that Burke was striking at. And yet the verdict of the historians has been that the King was acting within his constitutional rights and was on far sounder historical and constitutional grounds than Burke.²⁵

This is not the place to expand on this controversy. But it is pertinent to note the existence of such a difference of opinion with respect to

²² *Id.* at 375-76.

²³ NAMIER, *PERSONALITIES AND POWERS*, 21 (1955). Cone calls it "sheer nonsense." *In op. cit.*, 202 "The truth is that in 1760-61 George III most ardently desired to see the man in office to whom he would have given the fullest confidence that any monarch has ever given to a Prime Minister; . . . and that after he had found his Newcastle in Lord North (that very year 1770 in which Burke published the pamphlet . . .) he supported him loyally. . . . There never was a deliberate system of 'double cabinets' as sketched by Burke in a polemical pamphlet . . . which has been often treated as if it were an impartial verdict on George III." NAMIER, *ENGLAND IN THE AGE OF THE AMERICAN REVOLUTION*, 182 (1930). "There is little . . . to justify Burke's fanciful picture. . . ." DODD, *THE GROWTH OF RESPONSIBLE GOVERNMENT*, 125 (1956).

²⁴ NAMIER, *PERSONALITIES AND POWERS*, 14.

²⁵ See PARES, *KING GEORGE III AND THE POLITICIANS*, *passim* (1953); NAMIER, *MONARCHY AND THE PARTY SYSTEM* (1952).

Burke. It can be agreed that the pamphlet was for political purposes.²⁶ Its asserted factual basis was not accurate. Its theory of party had no audible supporters among Burke's colleagues. The theory of cabinet responsibility which he asserted to have existed in England in fact for decades in the past actually did not become the practice until well into the 19th century. Burke's ideal of party does not prevail today in British or American circles. With the mass electorates, parties are invariably coalitions and do not represent any particular principle. Is not this a strange affair? If this is one of the greatest of Burke's works, we may well ask whether they are all so constructed? Professor Cone does not raise this question. I would raise a related question: What is the significance of the pamphlet? Is it what, of another phase of Burke's work, Robert Hutchins called "a series of specious arguments, rhetorical flourishes, and quotable lines"?²⁷ On this most significant aspect of Burke's work on the nature of politics, I cannot agree that Burke had any significant influence on the course of cabinet government in Great Britain. Burke's influence on political theory must be proven specifically and not just asserted. Whoever undertakes the proof must head straight into the works of Namier, Pares, and a very tight knit set of historians who do not seem to hold Burke in very high esteem.

If we are to extol Burke's efforts to make the ministry responsible to the Commons, we should be greatly interested in Dunning's Resolution of April 6, 1780. The resolution stated: "That the influence of the Crown has increased, is increasing, and ought to be diminished." Professor Cone states that Dunning carried the burden of supporting the resolution. He adds: "with the government taken off balance, Burke and his friends remained silent . . ."²⁸ The authority on this period asks: "Why was it so much Dunning's debate—why from Fox, Burke, Savile, Barre, and Lord John Cavendish was there no great speech?"²⁹

In this consideration of Burke's pamphlet *Thoughts on the Cause of the Present Discontents*, it has been noted that opinion among the specialists is that the factual basis of the pamphlet is just fantasy. Things just never were as Burke reports them.

We find the same reaction of students when we come to Burke's greatest work, the *Reflections on the Revolution in France*, published in November of 1790. Starting with Tom Paine, the critics and students of Burke agree that Burke had no solid grasp of actual conditions in France.

²⁶ CONE, in op. cit. 202. Stanlis describes the pamphlet as Burke's "early masterpiece." In op. cit., 50.

²⁷ Hutchins, *The Theory of the State: Edmund Burke*, 5 REV. OF POL. 139, 155 (1943).

²⁸ CONE, in op. cit., 374.

²⁹ BUTTERFIELD, GEORGE III, LORD NORTH, AND THE PEOPLE, 1779-80 318 (1949).

This alleged ignorance was the foundation upon which Paine wrote *The Rights of Man*. But more disinterested writers agree with the charge.

Hearnshaw states the usual view when he remarks that: "keenly as we may be aware of the inadequacy of Burke's Reflections as a scientific explanation of the epoch-making events which they surveyed, we are none the less impressed by the unerring instinct which detected the true and world-wide significance of the phenomena [which he observed] . . . while still the King was on the throne, and ere yet the Terror had begun, he foretold the republic, the proscription, the anarchy, the war, and the final military dictatorship."³⁰ Cobban notes: "Admitting, however, the inadequacy of his estimate of the origins of the movement and the irrationality of his motives. It still remains true that Burke grasped with surprising justness the spirit of those men who in the natural course were enabled to arrogate to themselves the leadership of the Revolution."³¹

If the argument is made that Burke's attitude towards the French Revolution is emotional rather than rational, it should be of interest to know that other reasons are advanced for Burke's uncompromising antipathy towards the French Revolution. Tom Paine accused him of being a secret Crown pensioner in 1790. Harold Laski asserts that "No one can read through his private letters without a sense that he was overawed by rank not seldom to the detriment of his judgment. Particularly when he writes to emigres of high birth, he seems to be composing on his knees. Obviously, too, he was a man of emotions so profound that, when they were deeply touched, the rationalism that appears so striking in his analysis of the American Revolution deserts him completely."³²

A third reason is a very simple one that has been adopted by some important historians. Henry Thomas Buckle calmly asserts that Burke's mind broke before the awesome spectacle of the French Revolution.³³ The Burke scholar, Thomas Copeland, admits that the sanity of Burke in his final years is a question to be taken seriously by all students and biographers of Burke.³⁴ Professor Copeland gives several examples from Burke's writings of which the least that can be said is that Burke *sounds* like a paranoic.

In the course of this essay there will be other occasions to note Burke's deficiencies in knowledge and judgment. This is clearly a strange charge to level at a man to whom history and experience were the most

³⁰ HEARNSHAW, *in op. cit.*, 86-7.

³¹ COBBAN, EDMUND BURKE AND THE REVOLT AGAINST THE EIGHTEENTH CENTURY, 121.

³² LETTERS OF BURKE (ed. by Laski) xiv-xv.

³³ BUCKLE, HISTORY OF CIVILIZATION IN ENGLAND, I, 334 *et seq.* (1885).

³⁴ COPELAND, EDMUND BURKE, SIX ESSAYS, 88 *et seq.*

potent tests of reality. The point is so important in considering the significance of Burke that it deserves some sharper discussion and whatever clarification may be possible. The defects in his knowledge of fact on crucial issues has already been considered. Let us now turn to the alleged inconsistencies in his judgment.

Most writers who discuss the general moral or philosophical views of Burke take a position on the score of Burke's consistency over thirty years of active political life. Superficially, one can argue either way. Inconsistency can be demonstrated by showing that from 1770 to 1789 Burke was the Great Whig who fought for the freedom of the Americans and the Irish, who opposed the influence of the King in parliamentary government, and who attacked the tyranny of the East India Company in India. Suddenly in 1789 a new menace appeared and the first and greatest of the modern conservatives set forth views in opposition to the French Revolution that branded him as, in Namier's phrase, a "counter-revolutionary Tory."³⁵ George III could not stand the thought of Burke until the appearance of the *Reflections* which he promptly recommended as a book that ought to be read by every gentleman.³⁶

One form of consistency can be worked out by a careful and selective definition of words. A recent writer has noted that Burke even seemed to be both a revolutionary and a conservative at the same time.³⁷ But this is explained by semantics. Burke was for reform and correction but opposed to innovation and change. This writer explains that "The guide to Burke's mind in this matter should be the distinction between a change in substance and an improvement in exteriors."³⁸

In these terms, revolution in America would return to the colonists their ancient rights. Such was the basis of Burke's approval of the Glorious Revolution of 1689 which gave back to the whole people their liberty. However, the French Revolution of 1789 was not a general revolt but was an assault of one class, the lower orders, upon the upper classes and the established government. Its primary objective therefore could not be conservation but was directed at a completely new order. Professor Mazlish is led to remark that Burke's words in condemning the French Revolution were so broad in scope that "the public and other

³⁵ Hearnshaw divides Burke's life into three periods. The second, 1765-89, is "the period of advocacy of reform" and the third, 1789-97, is "the period of opposition to revolution." HEARNSHAW, *in op. cit.* (n. 5, *supra*) at 76. Burke had to face this same charge of inconsistency in his own lifetime. See *An Appeal from the New to the Old Whigs*, (1791), WORKS, III, I.

³⁶ PRIOR, *LIFE OF EDMUND BURKE*, (5th ed.) 313.

³⁷ Mazlish, *The Conservative Revolution of Edmund Burke*, 20 REV. OF POL. 21 (1958).

³⁸ *Id.* at 31.

publicists overlooked his restraining remarks and condemned all revolutions."³⁹

A contrary view is given by Robert Hutchins who feels very strongly that the beginning and end of Burke's career are irreconcilable. Hutchins finds the trouble to be in Burke's fatal weakness for theorizing with dazzling but unconvincing effect.⁴⁰ He demonstrates this by analyzing Burke's theory of the state of various stages in his career. In his early works on Ireland, Burke found a simple test by which to measure the extent to which the state promoted the happiness of the people. If it failed to provide for the welfare of the people, resistance was warranted. The American revolt was justified because it was to recover ancient rights which Parliament was voiding. An Eternal Justice supported Burke's attack upon Warren Hastings for the latter's misdeeds in India. In these three cases, Hutchins holds that Burke admitted that original rights of the people will supersede the law and that the people may resist the Government where these rights are not recognized or are ignored.⁴¹

Hutchins then turns to Burke's views on France. His general comment is that: "The violently emotional character of Burke's expressions on this subject makes it difficult to take his theoretical arguments seriously. . . . All we know with certainty is that the French had no cause to revolt and that whereas taxation without representation justified the Americans in throwing off the British yoke by force of arms, the mildness of the French King and the beauty of his Queen made the moderate constitutional reform of 1789 a flagrant violation of all the laws of nature, man, and God."⁴²

Now, however, since the state is a work of nature, revolution becomes an unnatural act. Virtue, reason, and the common good have become identified with the positive law of the established order so that the right to resist has so shrunk that Hutchins concludes that: "Where once a tax on tea sanctified resistance, now only plans of inhuman butchery will suffice."⁴³

Burke's views on the social contract indicate that he had finally arrived at the view of a social order in which all natures were in their appointed place. There can, of course, be no change from this divinely established order. We are thus brought to the position that after the French Revolution, Burke had reached the view that: "everything stopped yesterday. The presumption that the people want the government they

³⁹ *Id.* at 32.

⁴⁰ Hutchins, *The Theory of the State: Edmund Burke*, 5 REV. OF POL. 139 (1943).

⁴¹ *Id.* at 144.

⁴² *Id.* at 145.

⁴³ *Id.* at 146.

have can be invoked before a revolution but not after it. A new prescriptive period cannot begin to run; it was wrong to interrupt the old one. Convention in the sense of convenience applies to protect old interests but not new ones. . . . The will of God ceased to operate constructively when the society was given its original constitution. A new constitution must therefore come into being against His will."⁴⁴

Hutchins then relates how Burke's condemnation of the French Revolution forced him to contort his position with respect to the Irish and the Americans. His summation on Burke's theory of the State is harsh:

"In discussing the theory of the state Burke developed, not so much a philosophy of conservatism, for a philosophy is a reasoned and coherent view of the universe or some aspect of it, as a series of specious arguments, rhetorical flourishes, and quotable lines which Tories of all later generations have hurled at the heads of those who sought social improvement. At the last God, man, and nature conspire, except in Ireland, to keep things as they are. The singularly static society which emerges is as contrary to fact as it is to any sound conception of the state.

"Why did a man of Burke's impressive abilities abandon an intelligible and defensible theory for the dazzling nonsense of his later years? The answer must be that whereas he wanted the Americans to be independent, and whereas he wanted Warren Hastings convicted, he wanted the Bourbons restored in France and the movement for reform halted in England. He fashioned his theories to serve the purpose he had in view. Contrary to the advice he offered the world, he made his reason subordinate to his will."⁴⁵

When one turns, however, to those writers whose primary interests are not historical or political, there seems to be no difficulty in finding Burke wholly consistent in his views. Charles Parkin, while attempting to state the full range of Burke's moral thought, chose to draw his extracts from the entire corpus of Burke's published writings and recorded utterances. In discussing Burke's views he makes no effort to date them. Parkin acknowledges the span of years covered by these utterances, he recognizes the ephemeral and practical origin of the situations which gave rise to the remarks. Yet he holds that it was Burke's lifelong habit to respond to human affairs under the guidance of moral principles. Accordingly, he says that in his book: "Burke's writings and utterances have . . . been treated not as a sequence of political attitudes and ideas, but as an assemblage of moral statement and assertion, to be articulated and reconciled within itself."⁴⁶ Parkin justifies his practice by saying that: "If Burke's political actions and ideas derive from settled moral convictions, as he claims, it is at this level that his wholeness and consistency must be assessed."

⁴⁴ *Id.* at 150.

⁴⁵ *Id.* at 155. Stanlis takes unkindly notice of this article. *In op. cit.* 204 *et seq.*

⁴⁶ PARKIN, THE MORAL BASIS OF BURKE'S POLITICAL THOUGHT, 3-4.

This consistency in terms of moral principles is borne out by most students who have examined Burke's work at this level. Harold Laski states that a complete edition of Burke's correspondence "would prove, if proof be needed, the consistency of his principles no less than the amazing accuracy of his insight."⁴⁷

A final writer well qualified to judge, Leo Strauss, testifies that, even admitting that Burke spoke only for particular and practical purposes, a charge of inconsistency cannot be levelled against him. He states of Burke that: "A single faith animated his actions in favor of the American colonists, in favor of the Irish Catholics, against Warren Hastings, and against the French Revolution."⁴⁸

In this general introduction to the subject of Edmund Burke, considerable emphasis has been placed on the problem of consistency in dealing with Burke's writings. It was clear that throughout his life Burke had approached problems of government and politics as though they were moral problems. The solution of such problems had to be derived from moral principles or they were not acceptable solutions. Where Burke is criticized is in the conclusions he arrives at after applying these principles. There is not too much to be gained by complaining about Burke's reaction to the French Revolution. That reaction is now but one more historical fact. What has continued to live are the moral principles that Burke used as the basis for his rejection of this great social movement. It was noted that if there is support for Burke's consistency of purpose and argument, it will arise out of his proposing certain moral principles for application to the various practical problems that faced him throughout his career.

Despite this argument, the initial reaction to Charles Parkin's book is that he must be straining at times to make the moral beliefs of Burke perfectly consistent, especially since he draws upon Burke's writings over his entire career. After having now been over Parkin's book several times, I am satisfied that it all works out. It sounds like Burke would have sounded, if Burke had taken the trouble to clarify himself. The heart, then, of Burke is this solid core of moral beliefs that guided him throughout his career. I should like to discuss some of these beliefs by the simple means of stating them and pointing to some critical problems raised by them.

This essay is being written without much obvious assistance from the works of Peter Stanlis and Charles Parkin. My intention is merely to provide an introductory survey of the area covered by Burke's mind.

⁴⁷ *LETTERS OF EDMUND BURKE, A SELECTION* (ed. by Harold J. Laski) xiv (1922).

⁴⁸ *STRAUSS, NATURAL RIGHT AND HISTORY* 295 (1953).

The two authors mentioned cover this same ground in meticulous fashion, each in his own way. After the essay proper is finished I shall discuss each of the four books which were the original excuse for this effort. But I would like to note here that Messrs. Parkin and Stanlis have produced two much-needed and welcome additions to a surprisingly scanty bibliography on Edmund Burke.

Returning now to our main theme, the first, and probably the most important principle, which guided Burke's thoughts was the belief that the actions of men and governments are regulated by law. And mere man-made law must bow before a natural law of divine origin. To enter into any extended discussion of natural law would be folly. The literature on the subject is unbelievable in its immensity and, it might be added, in the intensity of both its adherents and of those who deny its very existence. The question that is of interest in this essay is the place of Burke, in the mainstream of the history of natural law in Western Europe,⁴⁹ or even more particularly, in England.

Natural law is a doctrine running through the intellectual history of Europe. Its origins are visible in Socrates. More fully developed by Roman writers such as Cicero, it reached its flowering among the Schoolmen. To take the best example, for Aquinas there are three kinds of law: Divine, natural, and human.⁵⁰ The Divine law is the eternal law insofar as it represents the Idea of the government of things by God, the Ruler of the Universe. Since all things subject to Divine providence are ruled and measured by the eternal law "it is evident that all things partake somewhat of the eternal law, in so far as . . . from its being imprinted on them, they derive their respective inclinations to their proper acts and ends. Now among all others, the rational creature is subject to Divine providence in the most excellent way, in so far as it partakes of a share of providence, by being provident both for itself and for others. Wherefore it has a share of the Eternal Reason, whereby it has a natural inclination to its proper "act and end: and this participation of the eternal law in the rational creature is called the natural law."⁵¹ The human law consists of particular determinations arrived at by the use of human reason. Although guided by the precepts of natural law,⁵² St. Thomas anticipates that the results will be imperfect.

⁴⁹ Ernest Barker in his translation of Otto's Gierke's *Natural Law and The Theory of Society, 1500 to 1800*, points out (p. xi) that Gierke nowhere mentions Hooker, Paine, or Burke.

⁵⁰ SUMMA THEOLOGICA, Par. I, II, Q 91.

⁵¹ *Id.*, Q 91, Art. 2.

⁵² *Id.*, Art. 3.

In a subsequent section,⁵³ St. Thomas considers natural law in more detail. One significant point there discussed is the conclusion of Aquinas that natural law may not be the same for all men. The knowledge and truth of natural law is the same for all men "but as to certain matters of detail, which are conclusions, as it were, of more general principles, it is the same for all in the majority of cases. . . ; and yet in some few cases it may fail, both as to rectitude, by reason of certain obstacles . . . , and as to knowledge, since in some the reason is perverted by passion, or evil habit, or an evil disposition of nature; thus formerly, theft, although it is expressly contrary to the natural law, was not considered wrong among the Germans."⁵⁴

This was natural law in Europe until another age with other problems used the phrase for its own purposes. The classical theory of natural law was an ethical theory based on religion. The sixteenth century produced upheavals that called for a reordering of men's thoughts on the secular problems of politics and government. The phrase "natural law" was seized upon for this purpose. For our present interest in British thought, Hobbes is the perfect example of this movement.⁵⁵ Hobbes' intention, following the fall of the Stuarts, was to work out a theory of sovereignty that would force all subjects to recognize their legal obligation to obey their sovereign. In his chief work, the *Leviathan*, Hobbes set forth a theory of a state of nature. It was a dreadful place where life was "solitary, poore, nasty, brutish, and short."⁵⁶ In order to be relieved of this sort of life, primitive man allegedly entered into a contract whereby they agreed to place a sovereign over all of them and place upon him the duty of providing the personal security, that each now spent his life providing for himself. In return for this security, the men in the civil society would obey the commands of this sovereign.⁵⁷

In the original state of nature there were laws of nature. Hobbes states that "A Law of nature . . . is a Precept, or general Rule, found out by Reason, by which a man is forbidden to do, that, which is destructive of life, or taketh away the means of preserving the same. . . ."⁵⁸ Hobbes then enumerates over twenty laws of nature. They all deal with various aspects of the problem of personal security. Obviously, natural law is being used in a different context from that of Aquinas.

⁵³ *Id.*, Q 94.

⁵⁴ *Id.*, Q 94, Art. 4.

⁵⁵ For those concerned with natural law in England, Hobbes is taken as the founder of modern natural right theory. See STRAUSS, *NATURAL RIGHT AND HISTORY*, Chap. V.

⁵⁶ *THE LEVIATHAN*, 65 (Everyman's Ed.).

⁵⁷ See WARRENDER, *THE POLITICAL PHILOSOPHY OF HOBBS, HIS THEORY OF OBLIGATION*, (1957).

⁵⁸ *LEVIATHAN* at 66.

The next entrant into the line of English political thought is John Locke. Locke, like Hobbes, had a peculiar political problem and his solution was tailored to solve that problem. In his second treatise on civil government, he discusses the state of nature. He says: "The state of nature has a law of nature to govern it, which obliges everyone, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, liberty or possessions."⁵⁹

This offshoot from classical natural law led on to Rousseau, Tom Paine, and the French Revolution. Its emphasis was on the individual and his personal rights. Its ethical sanction inevitably is based on the pleasure of the individual. The standard of justice will be formulated after considering the well-being of the individuals. It was this entire line of thought that Burke is attempting to throw back in the *Reflections*. As Leo Strauss notes, Burke used the language of modern natural right: "He spoke of the state of nature, of the rights of the nature or of the rights of man, and of the social compact or of the artificial character of the commonwealth. But he may be said to integrate these nations into a classical or Thomistic framework."⁶⁰

The concept of nature was much used by the eighteenth century thinkers for purposes of orienting a secular society. It is therefore to be expected that Burke would use the term. In the Middle Ages, the Law of Nature was a controlling or regulating force imposed from on high. In the so-called Age of Reason, it became a liberating principle available to individuals.⁶¹ It was this latter view that Burke found repellent.

Impregnated as it is with natural law, it follows that every tenet of Burke's philosophy had its roots in a religious soil. Burke said that "Religion is the basis of civil society, and the source of all good and of all comfort."⁶² As a consequence he said he was proud that the English people thought so highly of a national religious establishment. English education was conducted in accordance with this religion. Probably the most important rule that Burke would propose for statesmen is that: "All persons possessing any portion of power ought to be strongly and awfully impressed with an idea that they act in trust and that they are to account for their conduct in that trust to the one great Master, Author, and Founder of society."⁶³

⁵⁹ LOCKE, OF CIVIL GOVERNMENT 119 (Everyman's Ed.).

⁶⁰ STRAUSS, *in op. cit.*, 296.

⁶¹ WILLEY, THE EIGHTEENTH CENTURY BACKGROUND 16.

⁶² *Reflections*, WORKS, II, 362.

⁶³ *Id.* at 365.

Stanlis has an excellent chapter on the relation between Church and State in Burke's thought, excellent in the sense that it brings together in one place Burke's thoughts on the matter. But like much of the book, the chapter lacks an essential precision of thought. For instance, Stanlis says "In modes of worship, as well as in doctrines, Burke was essentially Catholic."⁶⁴ There is little evidence for this statement. Burke was a man profoundly moved by religious feeling. Religion was ancient, continuous, moderate, peaceful, and virtuous. Such was society. Men lived and died in such an atmosphere. To change the conditions of life to reject any of these elements was abhorrent to him. But nothing here implies any intellectual or doctrinal content. There is no evidence that he had any strictly theological interests at all. There is a difference between an Anglican and a Catholic, and we must insist that Burke was an Anglican and not a Catholic. A sympathy for victims of immoderate intolerance allows no inference of sympathy for the doctrines of the affected people.

This religious base for his philosophy is almost sufficient explanation for Burke's reaction from the moral and political philosophies of his own times. His reaction has been explained however in various ways. One writer entitles his book, *Edmund Burke and the Revolt against the Eighteenth Century*.⁶⁵ To Parkin, Burke's reaction is to the abstract idealism of the French Revolution. To other writers, Burke is attacking John Locke's influence.⁶⁶ All of these approaches have the same result and their consequences can be explained in the same manner. Since this reaction of Burke appears to be the central point of study about him, we shall discuss issues in these theoretical areas which were the object of Burke's attack.

Before entering into an extended consideration of the social and political concepts used by Burke, a word should be said about Burke and philosophy. Burke was a philosopher only in the sense that he was thoughtful and could deal in concepts. Nowhere does he close in a professional manner with the traditional problems of philosophy. As far as we know from Burke's own writings, Hume was primarily an historian. German philosophy was still unknown in England.⁶⁷ Burke's early biographer, James Prior, has a few interesting remarks to make on Burke and philosophy. He tells of Burke's studies at Trinity, at which time his

⁶⁴ *In op. cit.*, 202.

⁶⁵ By Alfred Cobban (London, 1929).

⁶⁶ Einaudi, *The British Background of Burke's Political Philosophy*, 46 Pol. Sci. Q. 576 (1934).

⁶⁷ Kant's *Critique of Pure Reason* was published in 1781 but nobody in England in the late 18th century knew German. "In those days philosophy in Great Britain was pretty well confined to the Scottish Professors" Stephen, *Studies of a Biographer*, II, 47.

favorite subjects "were classics, history, philosophy, general literature, and from a speculative turn of mind, a pretty strong attachment to metaphysics; at least so far as they go toward clearing the judgment and strengthening the understanding, but no further. This pursuit he afterwards relinquished, convinced, as he said, that it was of doubtful utility, tending neither to make man better nor happier, but rather the reverse."⁶⁸

It is not certain whether this observation is the thought of the biographer or his subject. At any rate, according to Prior, philosophy remained for Burke the "queen of arts, and daughter of heaven." In 1752 he even entertained the idea of seeking the professorship of logic at the University of Glasgow. The post had just been vacated by Francis Hutcheson. To prepare himself for this task: "he laid in, in addition to an unusually ample stock of general knowledge, a large adventure in metaphysics,—no less than a refutation of the systems of his own countrymen the celebrated Berkeley, and of Hume."⁶⁹

All this may sound slightly amateurish. But a few years after the above events, Burke published *A Philosophical Inquiry into the Origin of Our Ideas of the Sublime and Beautiful*.⁷⁰ Whatever its faults, this was not the work of a complete amateur. It is notable among Burke's writings in its striving for verbal precision.

These remarks are background for a discussion of Burke's lifelong struggle against those who would decide the affairs of men on the basis of metaphysical abstractions. To our way of thinking Burke is as "abstract" as any of his opponents. It does not hurt to understand that Burke deals in principles; his opponents, in abstractions.⁷¹ But we can sympathize with his effort to avoid testing human affairs by non-empirical criteria. Our only question today would be whether what he considered to be experience and history was any more empirical than the theories of those he denounced. Burke viewed conscious intellectual effort as entirely inadequate for arriving at the truth of political and social matters. A concrete or higher reason embodied not only the conclusions of the individual intellect but also the collective wisdom of the ages. It grew out of history and reflected the ancient social order. These few sentences only hint at Burke's theory of knowledge. Special studies need to be made in the most rigorous terms of Burke's theory of what and how

⁶⁸ PRIOR, LIFE OF EDMUND BURKE (5th Ed.) 14.

⁶⁹ *Id.* at 37-38. Nothing came out of this and we have no further knowledge of the "refutation."

⁷⁰ WORKS, I, 49.

⁷¹ Russell Kirk offers some definitions in *The Conservative Mind*. Abstraction means "vainglorious generalization without respect for human frailty and the particular circumstances of an age and a nation." (p. 20). "Principle is right reason expressed in permanent form; abstraction is its corruption." (p. 35).

we know. This and similar studies would have to go beyond the analysis of Parkin. They should be both historical and critical. Ultimately we shall want to do more than just try to understand the bare meaning of Burke's sentences. Studies like these have not yet begun to appear.

The ultimate problems of philosophy are visible in the matters discussed by Burke. For instance, Cobban points out that Burke opposed the psychology of Locke which seemed to admit the reality only of things of immediate perception. Locke's psychology posited an infant having a clean slate of a mind with the capability of picking up all varieties of sense impression.

For Burke this approach would exclude from politics "the whole field of tradition, the whole work of the genius of the race."⁷² Heredity and history would count for nothing. Man must be more than a blank sheet at birth.

The eighteenth century, in its efforts at self-analysis, found nothing to be an improper subject for speculation and practical solution. For instance, a favorite subject was the primitive origins of man and his transition from the state of nature to civil society by way of the Social Compact. In the previous discussion on natural law, we have seen how Hobbes diverted the course of natural law and found his variety of natural law to arise out of an assumed state of nature. Rousseau changed the quality of this primitive society. But Burke would have none of it in any form. He could not conceive of a primeval society in which there was no law or custom. Burke recognized the existence of a Social Contract. These are his words:

"Society is indeed a contract. . . . but the state ought not to be considered as nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each particular state is but a clause in the great primaeval contract of eternal society, linking the lower with the higher natures, connecting the visible and the invisible world, according to a fixed compact sanctioned by the inviolable oath which holds all physical and all moral natures, each in their appointed place."⁷⁴

Most of the commentators have their opinion of this passage. Hearnshaw says that: "If one asks what is the meaning of this sonorous

⁷² COBBAN, *in op. cit.*, 252.

⁷⁴ WORKS, II, 368-9.

passage, the answer is that as it stands it has none. It is resounding nonsense. . . . the emptiest verbiage. . . . language has obviously lost its ordinary meaning."⁷⁵ And yet, as even Hearnshaw points out, the passage does convey at least an emotion. It reflects Burke's rejection of Locke but it is a rejection in which Locke's words are used. Locke's legalisms are lost. Out of the ashes of Locke's contract arises a new concept of an organism called the State.

Parkin quotes this section in full⁷⁶ and has no difficulty in finding it in accord with the higher moral aspirations of Burke. Parkin recognizes that this particular passage has been criticized as a rejection or perversion of the conventional Contract view, but he finds no merit in this argument. He points out that Locke's preoccupation was with the limitations of political authority. Burke's emphasis is upon the higher law which governs all society and political authority. Parkin is aware that Burke is looking back to the natural law theorists who antedate Hobbes, but he does not consider this historical problem in any critical sense nor does he explain Burke's historical purposes. His sole purpose to explain and make consistent Burke's own words.

Burke's view of the Compact effectively rejects any claim that government is an artificial creation of men, created by them through some sort of mutual agreement. The State has a real vitality of its own but not divorced from the individuals who compose it. This theory of the state as an organism is never fully developed by Burke. When the more difficult aspects of the theory intrude they are pushed aside by references to an awesome deity or other mysterious influences.

Society and government are the work of Providence. The origins or creation of the structure may be lost in time. But we know the instruments by which the continuity of society is maintained. Burke variously refers to them as tradition, prescription, prejudice, and custom. Russell Kirk attempts to define some of these terms as he believes Burke would have defined them. Prescription is "the customary right which grows out of the conventions and compacts of many successive generations." Prejudice is "the half-intuitive knowledge that enables men to meet the problems of life without logic-chopping."⁷⁷ A few pages earlier Kirk had defined prejudice as "the answer with which intuition and ancestral consensus of opinion supply a man when he lacks either time or knowledge to arrive at a decision predicated upon pure reason."⁷⁸

⁷⁵ HEARNSHAW, *in op. cit.*, 93.

⁷⁶ PARKIN, *in op. cit.*, 23.

⁷⁷ Kirk, THE CONSERVATIVE MIND, 37.

⁷⁸ *Id.* at 34.

With these definitions in mind we can understand Burke when he states: "We are generally men of untaught feelings; . . . instead of casting away all our old prejudices, we cherish them to a very considerable degree, and, to take more shame to ourselves, we cherish them because they are prejudices; and the longer they have lasted, and the more generally they have prevailed, the more we cherish them. We are afraid to put men to live and trade each on his own private stock of reason; because we suspect that this stock in each man is small, and that the individuals would do better to avail themselves of the general bank and capital of nations and of ages."⁷⁹

A man holding such a belief would obviously be repelled by people who believed that man's present nature could be scrapped and that he could then be started off in another direction. In short, the innovators were attempting the impossible. A new way of life was blocked by the elements of continuity which made the state. Accordingly, because of the continuity in the life of the state, because it reflects higher purposes, and finally because of the continuing presence of the natural law, Burke rejects a doctrine that modern lawyers are quite familiar with. Parkin quotes Burke as follows: "It would be hard to point out any error more truly subversive of all order and beauty, of all the peace and happiness, of human society, than the position, that any body of men have a right to make what laws they please; or that "laws can derive any authority from their institution merely and independent of the quality of the subject-matter."⁸⁰

In Burke's description of the Social Compact, he stated his view that there was a natural social order that establishes natural rights and duties. Subsequent acts of sovereigns must be in accord with that order or such laws are subversive of society. Contrary to Hobbes, a law is not a law simply because it is commanded. A law must accord with the natural order, or presumably, it is not law. In our constitutional background, American law has seen much of this concept of a higher law. The pendulum has swung for the present and the doctrine of "judicial restraint" is regnant.

Considerations of law raise the question of legal rights. The typical eighteenth century theorist would have it that inhering in man's nature were certain rights. These rights tended in the direction of what was called liberty and progress. To Burke however they were egalitarian and subversive.

⁷⁹ *Reflections*, WORKS, II, 359.

⁸⁰ PARKIN, *in op. cit.*, 56.

Men in society have rights. They also have duties. And the two are so inseparable that Burke gives them the same name—"the *real* rights of men." He asserts that "If civil society be made for the advantage of man, all the advantages for which it is made become his right. It is an institution of beneficence; and law itself is only beneficence acting by a rule. Men have a right [duty] to live by that rule; they have a right [duty] to do justice. . . . They have a right to the fruits of their industry; and to the means of making their industry fruitful. They have a right to the acquisitions of their parents; to the nourishment and improvement of their offspring; to instruction in life, and to consolation in death."⁸¹ (Brackets added)

Burke enumerates other rights and/or duties. He indicates that men have equal rights to opportunities, but expressly they do not have rights to "equal things." Stockholders have equal rights to dividends; not to equal dividends. So it is in the management of the State. All men should have a voice, but not necessarily an equal voice. "It is a thing to be settled by convention."

Burke in neither theory nor practice was a democrat. Pares calls him "the high priest of snobbery."⁸² Late in his career (1791) he asserted: "I see as little of policy or utility, as there is of right, in laying down a principle that a majority of men told [tolled] by the head are to be considered as the people, and that as such their will is to be the law."⁸³ (Brackets added)

The proper arrangement was that "The wiser, the more expert, and the more opulent conduct, and by conducting enlighten and protect, the weaker, the less knowing, and the less provided with the goods of fortune."

Burke then gives an extensive list of elements which go to make up the natural aristocracy that should rule a society—"and without which there is no nation." These were views that Burke had indicated the year before in the *Reflections*. He had propounded a principle for guidance that appears to have been a long standing belief of his: "Nothing can secure a steady and moderate conduct in such assemblies, but that the body of them should be respectably composed, in point of condition in life, of permanent property, of education, and of such habits as enlarge and liberalize the understanding."⁸⁴

⁸¹ *Reflections*, WORKS, II, 331-32.

⁸² *Pares*, KING GEORGE III AND THE POLITICIANS, 13.

⁸³ WORKS, III, 85.

⁸⁴ *Id.* at 214.

The evidence is clear that Burke considered himself within the definition of a member of this natural aristocracy. In 1774 Burke was forced to give up his safe seat in Wendover. Some citizens of Bristol asked him to stand for election to one of the city's two seats. He did so and was elected.⁸⁵ On November 3, 1774 he delivered a famous speech to the electors of Bristol at the conclusion of the poll.⁸⁶ Burke's fellow member had undertaken to be bound by the instructions of his constituents. Burke would not agree to this. A representative ought certainly to give all due weight to the wishes of his constituents: "But his unbiased opinion, his mature judgment, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure . . . They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgment; and he betrays, instead of serving you, if he sacrifices it to your opinion."⁸⁷

Burke's reasons were cogent for rejecting the concept of mandatory instructions but they do not conceal his belief in the primacy of his own judgment.⁸⁸ His belief that a representative should be guided by the larger considerations of a vast empire did not sit well with his constituents and he did not stand for re-election in 1780.⁸⁹ For the remainder of his parliamentary career he sat for the rotten borough of Malton.

Towards the end of the 19th century there entered into political practice a gradual recognition of the responsibility of the Government for the well being of all the people of the nation. The emergence of this belief was but part of a changing ideal of government. Whether it was brought on by the expansion of the electorate or a new idealism among men is not relevant to this essay. In our own country, the New Deal wrought a revolution by legislation. Traditional limitations on governmental action were completely rejected and the consequence was a tremendous reworking of our social structure. The modern administrative state would be abhorred by Edmund Burke. These thoughts are here introduced merely to illustrate the concept of social change. Since Burke is now so prominent as a guiding spirit of the modern conservatives, it is of some moment to examine his concept of change in society and government.

⁸⁵ CONE, *in op. cit.*, 270 *et seq.*

⁸⁶ WORKS, I, 442.

⁸⁷ *Id.* at 447.

⁸⁸ Seventeen years later, Burke claimed credit for having been the first to reject the authority of instructions from constituents. WORKS, III, 26.

⁸⁹ CONE, *in op. cit.*, 382 *et seq.*

He apparently is mincing no words when he asserts that: "A positively vicious and abusive government ought to be changed,—and, if necessary, by violence,—if it cannot be (as sometimes it is the case) reformed."⁹⁰ And in another place he states that: "A state without the means of some change is without the means of its conservation."⁹¹ This sentence is frequently alluded to as demonstrating the fact that Burke recognized the realities of life. But it should be noted that this sentence follows immediately after a paragraph which very severely limits the application of the general principle.

In that paragraph, Burke says that "it is far from impossible to reconcile, if we do not suffer ourselves to be entangled in the mazes of metaphysic sophistry, the use both of a fixed rule and an occasional deviation." We can adhere to "the sacredness of an hereditary principle of succession in our government, with a power of change in its application in cases of extreme emergency." But, Burke warns, "even in that extremity . . . the change is to be confined to the peccant part only; . . . and even then it is to be effected without a decomposition of the whole civil and political mass, for the purpose of originating a new civil order out of the first elements of society."

This attitude of Burke's is usually translated to the effect that Burke was for reform, not innovation; correction, not change. Peter Viereck quotes Disraeli in a fine passage that I believe is representative of Burke's views: "In a progressive country change is constant; and the great question is, not whether you should resist change which is inevitable, but whether that change should be carried out in deference to manners, the customs, the laws, the traditions of the people, or in deference to abstract principles and arbitrary and general doctrines."⁹²

The principle is a very general one and its application is a challenge. Burke, of course, is remembered because in the face of a tremendous upheaval of the French people, Burke could find nothing in their history, laws, or traditions to justify it. With his concept of society as an organism, Burke was encouraged to analogize and find physical processes pertinent to political affairs. The gradualness of natural growth was more congenial to his mind than any abrupt turnabout in human affairs.⁹³ Cobban

⁹⁰ Burke to Dupont (Oct. 1789), *LETTERS OF EDMUND BURKE, A SELECTION* (ed. by Laski) 276 (1922).

⁹¹ *Reflections*, *WORKS*, II, 295.

⁹² *VIERECK, THE UNADJUSTED MAN*, 79-80 (1956).

⁹³ Basil Willey asserts that Burke preferred what had grown to what had been made. *THE EIGHTEENTH CENTURY BACKGROUND*, 243.

feels that Burke's theory of progress was similar to Darwin's in that it was unwilling and irrational.⁹⁴

It is hard to doubt that Burke found any form of substantial change difficult to conceive. The copious imagination apparently spent itself in verbal constructions rather than social reconstruction. As a consequence Burke has come to represent the arch-conservative, the opponent of progress. The view of Robert Hutchins has been previously noted that Burke's final views on the state precluded any modification of existing social arrangements. The Beards assert that Burke "Appropriated the word civilization . . . and declared himself the champion of civilization against the vulgar, brutal, and swinish multitude engaged in making the Revolution in France."⁹⁵ And Burke's example was followed . . . by many writers occupied in defending historical conservatism in France, England, and the United States against the progressive spirit of civilization as it was affirmed by Condorcet, Thomas Jefferson, and Thomas Paine."⁹⁶

The view that Burke was the great liberal Whig, I believe, must have its basis, in the United States at least, in the fact that Burke's *Speech on Conciliation* (March 22, 1775) is so widely read in our secondary schools. And the speech probably receives a more liberal interpretation than it deserves. Cone says: "Burke's bitterness against the ministry and the generosity of spirit toward the aggrieved Americans obscured the inadequacy of his proposals."⁹⁷ Namier takes the view that: "it seems extremely doubtful whether Burke and his friends, if in power would have succeeded in saving the First British Empire. Their ideas were no less hierarchical and authoritarian than those of George III and Lord North, and, to them, to trade was the soul of Empire; had Burke been in office during the American Revolution, we might merely have had to antedate his counter-revolutionary Toryism by some twenty years."⁹⁸

This is but another facet of the consistency problem we have considered previously. We are not bound by nor really interested in Burke's judgment on events contemporary to him. It seems certain that Burke's lasting fame must rest upon the philosophic and moral principles that were the basis of these judgments. That these types of principles do not necessarily stand in the way of the advocacy of progressive views on the social welfare of the great mass of people may readily be demonstrated

⁹⁴ COBBAN, *in op. cit.*, 91.

⁹⁵ According to Burke, learning in Europe had been protected by the clergy and the nobility. And now "along with its natural protectors and guardians, learning will be cast into the mire, and trodden down under the hoofs of a swinish multitude." *Reflections*, WORKS, II, 351.

⁹⁶ CHARLES AND MARY BEARD, *THE AMERICAN SPIRIT*, 84.

⁹⁷ *In op. cit.*, 282.

⁹⁸ NAMIER, *ENGLAND IN THE AGE OF THE AMERICAN REVOLUTION*, 45.

by the rereading of a document published in 1891 on the subject of *The Condition of the Working Classes*.

At least one student of Burke has felt that Burke laid down the foundations for an enlightened Toryism. This doctrine was "one which trusted not in a *a priori* psychology, rationalist and individualist in the extreme, but in the empirical study of human nature, and which, while retaining what was good in the old, adapted itself to the needs of a new age."⁹⁹

This essay has been occupied in the problems that arise in the course of studying Burke and his period. Aside from a few observations it has been thought advisable to avoid discussion of such topics as the contemporary significance of Burke or the place of Burke in a conservative philosophy for today. Much work needs to be done on such matters, but this work will be done so much the better after a broader understanding of what Burke did and was trying to do in his own time. To these considerations, I here make only one exception and that deals with the influence of Burke on the early history of the United States.

The new conservatives appear resolved to make Edmund Burke the intellectual leader of the American conservatism and they begin with the Federalists.¹⁰⁰ The professional historians will have none of it.¹⁰¹ There is no such tradition as is pointed to by these new conservatvies.¹⁰² If Burke had entered into the thinking of American men in public life, he would most certainly have been mentioned sometime during the debates at the Constitutional Convention of 1787. He was not mentioned and there is no doubt that this is surprising. The speeches at the Convention show a thorough understanding of the British Constitution. These men had all arrived at their maturity in time to know about the efforts of George III and his personal government. They were lawyers trained by Blackstone and so would be fully exposed to the glories of the British Constitution—but there still was no word about Burke.¹⁰³ Burke had been known prior to the Revolution as the agent for the New York Colony.¹⁰⁴ His speeches on their behalf in Parliament were known by

⁹⁹ COBBAN, *in op. cit.*, 95.

¹⁰⁰ KIRK, *THE CONSERVATIVE MIND*, Chap. III (1953); ". . . the mentor of the Federalists: Burke." VIERECK, *THE UNADJUSTED MAN*, 27 (1956).

¹⁰¹ Macdonald, *The Revival of Conservative Thought*, 19 *REV. OF POL.* 66 (1957) (with particular reference to Russell Kirk); Rossiter, *The Legacy of John Adams*, 46 *Yale Rev.* 528, 548 (1957). But see, Rogers, *Edmund Burke and the American Liberal Tradition*, 17 *ANTIOCH REV.* 225 (1957).

¹⁰² McKittrick, "Conservatism" *Today*, *THE AMERICAN SCHOLAR*, 49 (Winter—1957-58).

¹⁰³ Also noted by Pargellis, *The Theory of Balanced Government* in *THE CONSTITUTION RECONSIDERED* (ed. by Conyers Read), 37, 49, (1938).

¹⁰⁴ HOFFMAN, *EDMUND BURKE*, NEW YORK AGENT (1956).

the Colonists.¹⁰⁵ But his much regarded work on the party system was never, so far as I have discovered, mentioned by any of our early statesmen. His *Reflections* were read soon after their publication but this work came too late to influence our early statesmen at the Convention. Our government was already in being and the conflicting native philosophies were already obvious. John Adams had already set his course and Burke was not his guide.¹⁰⁶

Earlier in this essay, it has been stated that the intention was to produce a study of some of the critical and historical problems that arose when one entered upon a study of Burke. The unity of this effort arises from this theme even though the discussion may have ranged over diverse fields of learning. In terms of this entire previous discussion, I shall now discuss the four books whose recent publication prompted this article.

A Note-Book of Edmund Burke is not an entirely candid title. The notebook, 8 x 6½ inches in size, was found among the Burke papers so long held by the Fitzwilliam family. This little volume is now among the other Burke papers on deposit in the Sheffield Library.

The assorted literary items contained in the volume were written not only by Edmund Burke but by that strange relation, Will Burke. There are even some pieces to whom the authorship cannot be definitely attributed to one or the other.

This combined or mixed authorship is not as strange as it may seem. As Thomas Copeland describes it, Burke "was part of a collective entity called 'the Burkes.'"¹⁰⁷ Edmund and his wife, his brother Richard, and Will Burke, a "cousin," all lived together and dealt with the world as one. In particular, their financial fortunes rose, and just as often, fell together. When Will was offered a seat in Parliament, he declined it and requested that it be offered to Edmund who, of course, accepted.¹⁰⁸ This is family devotion beside which the sharing of a notebook pales.

The *Notebook* has little intrinsic interest. Its significance lies in the fact that its contents were composed during the years 1750-55. This period covers Burke's arrival in London until the publication of the *Vindication*. Aside from the insights into his mind at the time, these poems and sketches show that his talents for writing were well developed but were still in need of exterior polishing. His verbal imagery is showing

¹⁰⁵ For instance, he was mentioned in a pre-Revolutionary pamphlet of Alexander Hamilton. HAMILTON, *WORKS* (ed. by J. C. Hamilton) I, 93.

¹⁰⁶ See Rossiter, *The Giants of American Conservatism* in AMER. HERITAGE, VI, No. 6, 56 (Oct. 1955). Years later Adams referred to Burke and Johnson as either "superstitious slaves or self-deceiving hypocrites." To Thos. Jefferson (Dec. 25, 1813), *WORKS OF ADAMS* (ed. by C. F. Adams) X, 82.

¹⁰⁷ COPELAND, EDMUND BURKE, SIX ESSAYS, 44.

¹⁰⁸ CONE, *in op. cit.*, 76.

its early bloom and there is little difficulty, for the most part, in recognizing Burke in many of these pieces.

Carl Cone's *Burke and the Nature of Politics* is one of the two modern biographies of Burke that have used the papers now at Sheffield.¹⁰⁹ Cone is giving us a careful statement of Burke's political career. He makes definite judgments, but for the most part they are charitable towards everybody. When the second volume appears, we shall have a first rate political biography. Cone is not too strong on creating living people. That task may have to wait until someone else undertakes the task of weaving Burke into the eighteenth century rather than into the House of Commons. That will require other volumes by other students but we can wait. This first volume has no bibliography, but the footnotes suggest that a good part of the text was derived from the original sources.

Charles Parkin's *Moral Basis of Burke's Political Thought* is a wonderfully precise and well-knit analysis of Burke's moral and political philosophy. Out of almost 500 footnotes, barely more than a dozen are from works other than Burke's writings. Little effort is made to place Burke's work in any historical setting with a time and place. His writings are taken as being of universal application and the effort of Parkin's essay is directed at setting forth a meaning and weaving a consistent statement into which assorted stray sentences can be woven. The thesis of the book is that indicated in the present essay. Starting with a study of Burke's interpretation of contract theory, the author shows the place of nature in society and government as Burke views it. The author then turns his attention to Burke's attitude towards abstract natural rights and the relation of that theory to the French Revolution. The book closes with a statement of Burke's conception of the moral order and its religious basis. As stated previously it sounds like Burke and I do believe it is. The aim was to give meaning to Burke's sentences and this has been done. No criticism of Burke or his work is advanced. The effort of the author has been limited to explanation.

Peter Stanlis' *Edmund Burke and the Natural Law* is a much-needed survey. Professor Stanlis has covered the existing bibliography on Burke in English. Here is all that has been discussed in this present essay: the historical course of natural law, Hobbes divergence, and Burke's reaction. Then from every corner of Burke's writings are gleaned his references to natural law. The ground covered in analytical fashion by Parkin is put in its historical setting by Stanlis. Stanlis has now made a book out of the chapters and footnotes scattered in assorted places. The concepts

¹⁰⁹ The other is Sir Philip Magnus, *Edmund Burke* (1939).

discussed are not original contributions as can be seen from this preceding essay which was constructed from many of the sources used by Stanlis. But this collecting needed doing and it has now been done handsomely.

On occasion in this essay I have indicated that this was not the place to consider the current attempts to use Burke for a modern conservative philosophy. The trouble with such attempts is inherent in Stanlis' book. This book is single minded in its effort to connect every working moment of Burke with natural law. When it is admitted that the author has accomplished his purpose, one may then proceed to ask for more. Since the book is saturated with an uncritical adoration of its subject, work remains to be done on Burke and the natural law. What do we take with us of Burke and the natural law into the twentieth century? Does anyone seriously believe that a thorough study of Burke will enable one to blast away Bertrand Russell and A. J. Ayer? Those who close with the thought of gentlemen such as these two will do so only in terms of the philosophical analysis of this century. Is there any relation at all between the twentieth century natural law of, say, Maritain and the natural law of Burke as described by Stanlis? If so, what is it? The answer to this must be analytic in terms of epistemology, logical structure, and content. It will not do to collect excerpts from a score of writers and say that this shows what natural law is. We have the history down now so let us turn to the task of thinking out both the content and the place in our life of a great regulating principle that will preserve the good of our culture as we progress into a strange new world of the future.